

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-2(c)**

SCOTT D. SHERMAN, ESQUIRE  
Bar ID: 019961992  
Minion & Sherman  
33 Clinton Road, Suite 105  
West Caldwell, New Jersey 07006  
(973) 882-2424  
Attorney for Secured Creditor THE BANK OF NEW YORK MELLON,  
F/K/A The Bank of New York as trustee for registered Holders of  
CWABS, Inc., Asset-Backed Certificates, Series 2007-BC3  
C.241-6840.NF

**In Re:**

Orville Malcolm and Marcia Malcolm



Order Filed on March 25, 2019 by  
Clerk U.S. Bankruptcy Court  
District of New Jersey

Case No.: 16-22832-RG

Adv. No.:

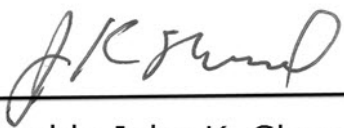
Hearing Date: 01/16/19 at 10:00 a.m.

Judge: R. Gambardella

**CONSENT ORDER RE ADEQUATE PROTECTION**

The relief set forth on the following pages, numbered two (2) through four (4) is hereby **ORDERED**.

**DATED: March 25, 2019**

  
\_\_\_\_\_  
Honorable John K. Sherwood  
United States Bankruptcy Court

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Debtors: Orville Malcolm and Marcia Malcolm

Case No. 16-22832-RG

Caption of Order: Consent Order Re Adequate Protection

IT IS HEREBY CONSENTED by and between Movant, The Bank of New York Mellon, f/k/a The Bank of New York as trustee for registered Holders of CWABS, Inc., Asset-Backed Certificates, Series 2007-BC3, its assignees and/or successors in interest, through its retained counsel, Scott D. Sherman, Esquire, for Prober & Raphael, A Law Corporation, and Debtors Orville Malcolm and Marcia Malcolm, through their counsel, Angela Nascondiglio, of Middlebrooks Shapiro, P.C., Esquire, as follows:

1. Debtors shall maintain the regular monthly payments on Movant's loan obligation, and otherwise comply with all other terms of the subject Note and Mortgage, including, but not limited to, the requirement to maintain insurance naming Movant as the loss payee, encumbering the subject Property, generally described as **1978 Hillside Ave, Union, New Jersey 07083**, in a timely fashion, commencing with the March 2019 payment. Payments on Movant's loan obligation shall be made to Movant's servicing agent, Carrington Mortgage Services, LLC, Bankruptcy Department, P.O. Box 3730, Anaheim, CA 92806.


2. Debtors shall pay off arrearages in the total amount of \$11,055.62, representing the September 2018 through February 2019 monthly payments plus attorneys' fees and costs of \$531.00, less suspense of \$-41.52. Said arrearages shall be paid through the Debtors' Chapter 13 Plan. Movant may file a Supplemental Proof of Claim to reflect the addition of said fees.

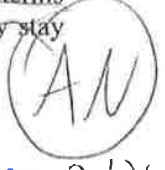
3. The automatic stay of 11 U.S.C. § 362 be, and same is hereby, continued in effect with respect to Movant, its successors and assigns, and the Property, provided that Debtors timely pays the *ad valorem* taxes going forward and maintain property insurance, if not escrowed for such. If the loan is escrowed, Debtors shall also be obligated to pay the full amount of escrow due and proceed with all requirements under the loan, including but not limited to timely notifying Movant in the event different insurance is requested. These obligations shall continue annually thereafter until the indebtedness secured by the Property is fully paid.

4. Should any future payment to the mortgagee not be made within 30 days of its due date, including all *ad valorem* taxes in full within the specified time period, or should Debtors' insurance lapse or be cancelled, then upon certification to be filed with this Court and on notice to the Debtors, the Debtors' attorney and the Trustee, The Bank of New York Mellon, f/k/a The Bank of New York as trustee for registered Holders of CWABS, Inc., Asset-Backed Certificates, Series 2007-BC3, its assignees and/or successors in interest, shall be entitled to an Order for Relief from the Automatic Stay with respect to the Debtors' real property commonly known as **1978 Hillside Ave, Union, New Jersey 07083**.

5. Any funds received by Movant, which are subsequently returned for non-sufficient funds, including funds received and applied prior to the terms of this Order, shall be subject to the default provisions contained herein.

6. Should Movant obtain relief from the automatic stay due to a breach of the terms of this Order, any Order for Relief from the Automatic Stay shall provide for the 14-day stay described by Bankruptcy Rule 4001(a)(3) to be waived.

  
2/24/19

  
2/26/19

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**Debtors: Orville Malcolm and Marcia Malcolm**

**Case No. 16-22832-RG**

**Caption of Order: Consent Order Re Adequate Protection**

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7. A Notice of Fees, Expenses, and Charges pursuant to Bankruptcy Rule 3002.1(c) is not required for the fees and costs included and disclosed as part this Order.

8. In the event the instant bankruptcy proceeding is dismissed or discharged, this Consent Order shall be terminated and have no further force or effect.

The movant shall serve this order on the debtor, any trustee and any other party who entered an appearance on the motion.

By 

SCOTT D. SHERMAN, ESQUIRE

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Minion & Sherman

33 Clinton Road, Suite 105

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(973) 882-2424

Attorney for Secured Creditor

C.241-6840.NF

By  2/26/19

ANGELA NASCONDIGLIO, ESQUIRE

Bar ID: 156112015

Middlebrooks Shapiro, P.C.

841 Mountain Avenue, First Floor

Springfield, New Jersey 07081

(973) 218-6877

Attorney for Debtor

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**Debtors: Orville Malcolm and Marcia Malcolm**

**Case No. 16-22832-RG**

**Caption of Order: Consent Order Re Adequate Protection**

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**CERTIFICATE OF MAILING**

I hereby certify that on \_\_\_\_\_, 2019, a copy of the  
foregoing Order was served on each of the following: Movant.

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**Certificate of Notice Page 5 of 5**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Orville Malcolm  
Marcia Malcolm  
Debtors

Case No. 16-22832-RG  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Mar 25, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 27, 2019.  
db/jdb +Orville Malcolm, Marcia Malcolm, 1978 Hillside Avenue, Union, NJ 07083-4408

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 27, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 25, 2019 at the address(es) listed below:

Angela Nascondiglio on behalf of Joint Debtor Marcia Malcolm  
nascondiglio@middlebrooksshapiro.com  
Angela Nascondiglio on behalf of Debtor Orville Malcolm nascondiglio@middlebrooksshapiro.com  
Brian C. Nicholas on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,  
AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC., ASSET-BACKED  
CERTIFICATES, SERIES 2007-BC3 bnicholas@kmlawgroup.com, bkgroup@kmlawgroup.com  
Celine P. Derkrikorian on behalf of Creditor Ditech Financial LLC njecfmail@mwc-law.com  
Jessica M. Minneci on behalf of Joint Debtor Marcia Malcolm jminneci@middlebrooksshapiro.com  
Jessica M. Minneci on behalf of Debtor Orville Malcolm jminneci@middlebrooksshapiro.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Melinda D. Middlebrooks on behalf of Debtor Orville Malcolm  
middlebrooks@middlebrooksshapiro.com, melindamiddlebrooks@gmail.com  
Melinda D. Middlebrooks on behalf of Joint Debtor Marcia Malcolm  
middlebrooks@middlebrooksshapiro.com, melindamiddlebrooks@gmail.com  
Scott D. Sherman on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,  
AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC., ASSET-BACKED  
CERTIFICATES, SERIES 2007-BC3 ssherman@minionsherman.com

TOTAL: 10